

REMARKS

Applicants reply to the Office Action mailed on April 14, 2010, within three months. Claims 1-25 (4 independent, 25 total) remain pending in the application. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter is introduced by the amendments. Reconsideration of this application is respectfully requested.

§103 Rejections

The Examiner rejects claims 1-4 and 6-24 under 35 U.S.C. §103(a) as being unpatentable over Erickson, U.S. Patent No. 6,014,644 (“Erickson”) in view of Walker et al., U.S. Patent No. 5,945,653 (“Walker”). Applicants respectfully disagree with the Examiner’s rejections. However, to expedite prosecution, Applicants amend certain claims and request these rejections be withdrawn.

The Examiner asserts that Erickson teaches a system having an enrollment system, a first supplier system, and a second supplier system. In general, Erickson discloses a system for coordinating communications and tracking responses between suppliers and buyers both before and during a bidding process. Furthermore, the system facilitates an exchange of information and matching of a potential buyer with a potential supplier. “The service provider collects submitted information and stores it into a database organized to allow rapid access to desired information. Such a database may be stored in a single central location where vendors and buyers may dial in and access the database, or copies of portions of the database may be distributed to buyers and suppliers as needed.” (col. 3, ln. 30-35). The disclosed system also discusses limited communications between the buyer and the supplier. For example, “[a]fter the buyer has selected a list of suppliers, the buyer creates and sends a ‘data cast’ message. A data cast message is a message that will be broadcast to the selected suppliers’ requests a bid on desired goods or services.” (col. 3, ln. 52-55).

Furthermore, the Examiner asserts that Walker discloses a readable storage device and an enrollment system reader in communication with the readable storage device. In general, Walker discloses creating and executing various functions related to credit card accounts and transactions. “The functions can be discounts, rebates, special purchase options, special customer-specified messages, etc., which provide benefits to credit card issuers, merchants, and

consumers” (col. 3, ln. 47-51). The Examiner equates a credit card as a readable storage device and a point-of-sale device as an enrollment system reader. In general, Walker discloses a credit card holder relational database maintained by an issuer and various cardholder information. The database may also be populated with merchant information.

Thus, neither Erickson, Walker, nor any combination thereof, disclose at least “[a] system for membership enrollment comprising: an enrollment system including an enrollment system server for processing user data in connection with a user... **wherein said enrollment system reader notifies said user of a third supplier system and requests additional user data in response to enrollment of said third supplier system in said enrollment system**” as recited in independent claim 1 (emphasis added).

With respect to claim 12, the Examiner asserts that claim 12 is rejected for the same reason as claim 1. Applicants respectfully assert that such a rejection is inadequate because claim 12 contains additional claim elements relating to radio frequency communications. Neither Erickson nor Walker teach or disclose radio frequency communications. Thus, neither Erickson, Walker, nor any combination thereof, disclose at least “[a] system for membership enrollment comprising:... **a radio frequency identification (RFID) storage device including a transponder system** in communication with a transponder system database for storing said first and second membership indicia, and said user data, said transponder system for receiving an interrogation signal, providing said user data and receiving at least one of said first and second membership indicia; and **an RFID reader in communication with said RFID storage device and said enrollment system server, said RFID reader for providing said interrogation signal, receiving said user data, and providing at least one of said first and second membership indicia**” as recited in independent claim 12 (emphasis added).

With respect to claim 21, the Examiner asserts that claim 21 is rejected for the same reason as claim 1. Applicants respectfully assert that such a rejection is inadequate because claim 12 contains claim elements that are different than claim 1. Specifically, neither Erickson, Walker, nor any combination thereof, disclose at least “[a] method of enrolling a user in a membership program comprising: receiving user specific data at a universal enrollment system; providing the user specific data to a plurality of service providers for enrollment in a corresponding plurality of membership programs; receiving from the plurality of service providers unique membership numbers; and **transferring the unique membership numbers to**

a portable handheld user storage device, the storage device including a database containing a unique storage area for each unique membership number,” as recited in claim 21 (emphasis added).

Similarly, with respect to claim 23, the Examiner asserts that claim 23 is rejected for the same reason as claim 12, which in turn was simply rejected for the same reason as claim 1. Applicants contend that such a rejection is inadequate because claim 23 contains claim elements that are different than claim 1. Specifically, neither Erickson, Walker, nor any combination thereof, disclose at least “[a] method of enrolling a user in a membership program comprising: receiving user specific data at a universal enrollment system; providing the user specific data to a plurality of service providers for enrollment in a corresponding plurality of membership programs; receiving from the plurality of service providers unique membership numbers; and **transferring the unique membership numbers to a portable handheld radio frequency identification (RFID) storage device using the storage device including a RF transponder and a database in communication with the transponder, the database containing a unique storage area for each unique membership number,”** as recited in claim 23 (emphasis added).

For at least these reasons, Applicants respectfully submit that none of the cited references, alone or in combination, disclose or contemplate all of the elements of independent claims 1, 12, 21 and 23, and Applicants therefore respectfully submit that independent claims 1, 12, 21 and 23 are allowable over the cited references.

Dependent claims 2-11, 13-20, 22 and 24-25 variously depend from independent claims 1, 12, 21 and 23, so dependent claims 2-11, 13-20, 22 and 24-25 are allowable over the cited references for the reasons set forth above, in addition to their own unique features, some of which are stated above.

Moreover, the Examiner rejects claims 5 and 25 under 35 U.S.C. §103(a) as being unpatentable over Erickson in view of Walker, and further in view of Zalewski et al., U.S. Patent No. 6,771,981 (“Zalewski”). The Examiner contends that Zalewski discloses a first supplier reader and a second supplier reader, wherein the first and second supplier readers are in communication with the enrollment system. Applicants disagree with Examiner’s rejection and traverse. In general, Zalewski discloses a fuel pump having a dispenser control system configured to interrogate a transponder to facilitate a fuel transaction. (see col. 9, ln. 54 – col. 11, ln. 3). In each transaction, there is a single buyer and a single supplier, namely the person

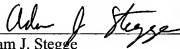
purchasing fuel and the business selling the fuel. In addition, nothing disclosed in connection with the fuel pump in Zalewski relates to a membership enrollment program. Disclosure of a fuel dispenser is non-analogous art to facilitating communications between a plurality of buyers and a plurality of suppliers. Moreover, there is no provided reason in the cited references to combine the teachings of Zalewski with Erickson and/or Walker. Thus, Applicants contend that it is inappropriate to combine Zalewski with Erickson and Walker.

Furthermore, Applicants request that the Examiner provide some teaching or suggestion of combination of these references if maintaining the rejection, and further request that the Examiner find support in Zalewski for a first supplier reader and a second supplier reader. Thus, for at least this reason, Applicants respectfully submit that none of the cited references, alone or in combination, disclose or contemplate all of the elements of claims 5 and 25, and Applicants therefore respectfully submit that claims 5 and 25 are allowable over the cited references.

In view of the foregoing, Applicants respectfully submit that the currently pending claims (4 independent, 25 total) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, please contact Applicants' counsel at 602-382-6306. Applicants authorizes and respectfully request that any fees due (including extension fees) be charged to Deposit Account No. 19-2814. **This statement does NOT authorize the payment of the issue fee.**

Respectfully submitted,

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